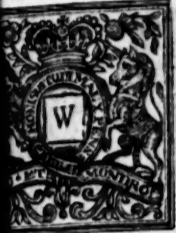


The Daily Gazetteer.

SATURDAY, AUGUST 23. 1735.

N^o 48.

Recapitulation of the Argument about the ancient and modern Constitution; Revolution, &c.



WE have in the Course of several Papers, traced our Constitution from the Norman Conquest down to the Revolution; and shewn, by undoubted Facts and plain Reasoning, that the Birth of real and thorough Liberty in this Kingdom, or at least the Establishment, if not the Commencement, of

valuable Privilege we now enjoy, is owing to a glorious Event. But that this Argument, which is of the utmost Importance to every Englishman, as it shews him his Happiness, and the Foundation of it, may be particularly strong upon the Reader's Mind, we will recapitulate, and sum up, in a very short and perspicuous manner, what we have advanced.

We have shewn, that the ancient Constitution, which with so much Pomp and Pretence of Fact and Argument, been industriously set up, on purpose to revive the modern Constitution, and throw Contempt upon the Revolution, was without real Liberty: That, from the Norman Conquest down to about Edward the First, the Constitution related only to the King, and a few Tenants that held of him in Capite; and that the People were no way concerned in it; that they had no Property, but were themselves the Property of the King, or the Church. That the People, the whole Nation, or the Populus Universus, who are said to be the Representatives, were only the Slaves of the King, or lesser Tyrants, and had no Choice at all. That all who were without Property (that is, almost the whole People) were also without Liberty; and that those who had Property, holding it from the King, on his own Terms, and by personal Service, were not free by the very Nature of their Tenure; or, Slaves as they were established. That, what we call the ancient Constitution, recognized and established by several Charters, particularly King John's, related only to a few great Men; and arose from a Contention between the King and his greater Tenants, concerning certain Privileges which they claimed, and he was not willing to concede. But whoever got the better, whether the King or the Barons, the People were in the same miserable Condition, neither better nor worse; the same Hews and Drawers of Water; the same Slaves and Servants of their several Lords and Masters; and had the exceeding great Favour, upon any Struggle between the King and them, to be knock'd on the Head by both Sides for what they had absolutely no Concern in.

THIS is the true State of the Case till the Power of the Barons and Church was broke by Henry the 7th and 8th, and so Property became more universally diffused: At that Time, indeed, the People grew in Power, and grew in Wealth; and as soon as Queen Elizabeth, who generally managed her arbitrary Power for the Good of her Subjects, was dead, they shew'd our of the Scottish Race, that they had Power, and they feel it too: For during the Reigns of James the First, and Charles the First, there was almost one continued Struggle, between the two Monarchs and the People, about Prerogative and Liberty, which ended in the Death of King Charles, and the Banishment of his Son. But, this Event, thro' the Iniquity of those who shew'd so much Zeal for Religion and Liberty, did the People at that Time no Good; but, in my Opinion, a great deal of Hurt; for the Leaders on the popular Side, who seem'd at first to have nothing in view, but reducing the Power of the Crown, and limiting the Prince who had abused it, became themselves, they had destroy'd the King, such intolerable Oppressors of the People, that they straiten'd every Chain they pretended to loose, and doubled every Evil they intended to cure: So that, as Rapin observes, 'We are, with great Truth affirm, that England was never less Free, than during the Long Parliament and the Administration of Cromwell.'

THE Restoration of King Charles the Second brought us indeed, to a Form of Law, but without the Power; we had a nominal Constitution, but not a real

one: All the Grievances complained of in his Father's Reign, (or, at least, the Source of them, which was arbitrary Power) were almost miraculously prevented from being not only renewed and practised, but established in this Country, even by Law itself. Nothing but the Virtue of Lord Clarendon and Southampton saved us in the Beginning of his Reign; and, towards the Close of it, we were in a most deplorable Condition; for, a vicious Court, a corrupt King, a profligate Nobility, no House of Commons, the Growth of Popery, and the Decay of Spirit among the People, which appear'd in surrendering their Charters, and other base Compliances, were terrible Symptoms that presaged the End of all Liberty being near at Hand: But he died; and his weak, bigotted, impetuous Brother, (as a very judicious Author has observed) not contented to let our Liberties die gradually of that Chronical Malady under which he found them languishing, and by which they must at last have expired, grew in Haste for their Dissolution, and, by endeavouring to precipitate their Ruin, drew on his own.

From King James the Second's Abdication, Banishment, Deposition, or by whatever Name People please to call it, I date the Birth of real Liberty in this Kingdom; for, the Bill of Rights ascertained all those disputable Points of Prerogative and Liberty, that had hitherto been insisted on, either by the Crown or the People, just as the Power of the one or the other, at different Aera's, had prevailed.

THE great Charter of old did some Good indeed to the great Proprietors of Land; but our best and greatest Charter at the Revolution, recognized and established, repeated and confirmed the Liberties of all the People of England. The Bounds of Liberty and Prerogative, before this new Magna Charta, were so indistinctly mark'd out, and so indeterminately described, that the Names were made use of both by Prince and People, just as Opportunity favoured the arbitrary Views of the one, or the licentious Disposition of the other. This was our Infelicity before the Revolution, that nobody knew the just Degrees of either. Tyranny often wore the plausible Title of Prerogative, and Rebellion sometimes took the specious Form of Liberty, according as Occasions offered, and as the Temper and Circumstances of the Times gave Handle and Colour to favour the Schemes and Pretensions of either of these Excesses.

WE have already shewn, that no Government can be free but where the legislative Power is mixed and well balanced; and 'tis as true, that no mixed Government, as ours is, can remain long without a Shock, but where the several Jurisdictions are allotted, and the Bounds of each Part known and settled; for which Reason it may be very justly affirmed, that our Government was never perfectly free, nor ever established upon a sure Foundation, till the Bill of Rights was passed, and the farther Limitations of the Crown, by the Act of Settlement, took Place; but our Constitution is now arrived to that Point of Perfection, which the old Whigs before the Revolution so strongly desired to see it brought to; for the Power of the Crown is reduced and exactly limited; that Monster of illegal Prerogative destroyed, and the Rights of the Subject plainly asserted, and so effectually secured, that 'tis impossible either to mistake them, or be deprived of them, while we preserve our Senses and our Honesty.

THUS are we, after infinite Struggles and Contentions between our Kings and Barons of old, and King and People since, arrived safe in Port, where we may ride secure, without any Apprehensions of Storms and Tempests but those of our own raising; for the Power of the Crown, since the Revolution, is perfectly legal; that is, 'tis our own Power. We reformed far enough; had we gone farther, and taken the Disposal of Places from the King, and lodged it in the Commons, or absolutely incapacitated the Commons for serving the Government, then the Power which is necessary to preserve the Balance of the three Parts of the Legislature, would have been lost, and the whole legislative and executive Power would have been in the People, which, tho' it might have been called a Commonwealth, would have ended in a Tyranny; for there never was a single Power yet in the World, unchecked and uncontrouled, whether consisting of one Person, or five hundred, but degenerated into arbitrary Government.

HAVING thus vindicated the Revolution from the Malice of its worst and keenest Adversary, and shewn

the high Preference of the modern to the ancient Constitution, we might conclude this Subject; but the Craftsman, who, tho' defeated in every thing he has advanced, assumes an Air of Triumph, and insolently says, *Thus have I shewn, that Liberty was our original Right and Inheritance*, which makes it necessary to say something more.

By shewing the ancient Constitution to be free, he means saying it was free; for he has not offered one Fact, nor one Argument to support it. That Liberty was our original Right; that is, our Right from Nature or Reason, and therefore ought to have been our Right by Law, is true beyond all Contradiction; but 'tis not true that Liberty was our ancient Inheritance; for Right and Inheritance are two very distinct Things.

BUT these, with other Remarks, we must leave to another Opportunity.

F. OSBORNE.

Naples, Aug. 2.

HIS Majesty Don Carlos has sent a Patent to Cardinal Fini at Rome, appointing him Minister and Protector of the Kingdoms of Naples and Sicily at the Court of Rome. Last Saturday he did the Honour to M. Cangiano, a rich Merchant in this City, to go and see his Country-house, where he gave his Majesty a very splendid Colation, for which he had bespoken on Purpose a Service of Cups, Saucers, Mugs, Spoons and Basons of Gold.

Rome, Aug. 6. The Cardinal Coscia, and the Bishop of Targa his Brother, are far from being restored to their Liberty; for the Congregation de Nonnullis has resolved to re-examine all the Papers for and against them; and Notice has been given them at their Prison in the Castle of St. Angelo, that the Treasurer of the Apostolick Chamber has commenced a fresh Process against them; the Bishop of Targa having made a great many false Pleas in his Defence, and the Cardinal, who was too sure of a Decision in his Favour, having called in the Revenues of his two Abbies in the Kingdom of Naples, before the Pope had taken off the Sequestration.

Leghorn, Aug. 6. A Lieutenant Colonel in the Service of the King of Spain, being just returned from Corsica, whither he went to raise Recruits, brings Advice, that most of the Companies which lately submitted to the Republic of Genoa, have taken up Arms again, and seized the Fort and Territory of Sarte Murata, both which the Genoese abandoned, and retired to Bastia, leaving behind them 300 Musquets, and several Barrels of Powder.

Hamburg, Aug. 19. The Regency of this City seem to despair of an Accommodation with the King of Denmark, tho' the Deputies which they sent to Copenhagen still continue there, and will do so till the King orders them to be gone; and tho' several foreign Ministers have stirred in the Affair. Of this Number is the Count de Kevenhuller, the Emperor's Envoy Extraordinary at Copenhagen. At the Solicitation of our Regency, his Imperial Majesty has ordered that Minister to concert with the Danish Ministers some new Method for accommodating those Differences; but the said Ministers have declared, that there is no Accommodation to be expected, unless the Regency submit to the Terms prescribed. His Danish Majesty is preparing to give this City a very disagreeable Proof of his Resentment. He has given Orders for the publick Sale of the Cargoes of the five Hamburg Ships which his Frigates stopped in the North Sea, and he has fitted them out again with two Men of War, in order, as 'tis apprehended, to interrupt the Navigation and Commerce of our Ships. One of those Men of War is already sail'd with 100 Marines on board besides Seamen, commanded by a Captain, two Lieutenants and other Officers. These Preparations give the Regency just Alarms, and they hope that the Powers concerned in the Preservation of its Commerce, will do their utmost to prevent the Ruin of it. Mean time all the necessary Measures are taken to guard against a Surprise. All the Militia that can be spared here, are posted in the Fort of Rutzebutte, and the Village Curbaven; and the Command of these two Posts is given to a Major and three Captains, who are Men of noted Courage, and resolve

resolve to defend them if attacked. It seems to be the Design of the King of Denmark to block up this City by Land, several Companies of Danish Cuirassiers being advanced to the Neighbouring Territories; but the Regency have ordered Redoubts to be raised on that Side, and others towards the Sea, and are about furnishing them with Cannon.

Hague, Aug. 27. The King of Spain having granted a Pension of 1200 Florins a Year, to M. Poruzen de la Martiniere, his Geographer residing at this Place, who is printing the great Geographical and Critical Dictionary, an Order is come here from Naples, to the Marquis de St. Gilles, the Spanish Ambassador, for the regular Payment of the said Pension. The Necessity of his Catholick Majesty's Affairs enhaunces the Value of this Favour done to a Man of Letters, who has also been honoured with another signal Mark of his Majesty's Respect; for on the 22d Instant he had a Son to be baptized, upon which Occasion there was a Feast at the Spanish Ambassador's Palace, when all his Excellency's magnificent Plate was set out in the Royal Chapel, and the Child was called Carlos, after the Name of his August Godfather the King of the two Sicilies, represented at the Font by his Excellency the Ambassador, who, upon this Occasion, distributed the King's Bounty Money to the Child, the Mother, the Nurse, the Chaplain, the Sexton, and other Persons mentioned in the List sent from Naples.

LONDON.

Great Preparations are making for celebrating, in a very splendid Manner, the Nuptials of the Right Honourable the Lord Viscount Harcourt and Miss Le Bas of Bedford Row, which are to be consummated the Beginning of next Week.

On Thursday last Thomas Jackson, Esq; kiss'd her Majesty's Hand at Kensington, on his being appointed Captain Lieutenant of a Company of Invalids, commanded by Brigadier General Filding.

As did Jarvis Parker, Esq; on his being appointed a Lieutenant in the Royal Regiment of Fusiliers, commanded by the Lord Tyrwley.

Last Tuesday died at his Son's Seat at Lothbury, in the County of Leicester, — Brigham of Nottingham, Esq; and on Thursday Night his Corpse was brought to Exeter Exchange, and after lying in State, will be carried from thence to be interred in the Vault of his Family at Nottingham.

On Monday last Sir William Strickland, Bart. Member of Parliament for Scarborough, his Majesty's late Secretary at War, lay so dangerously ill at his Seat in the County of York, that his Life was despaired of.

Yesterday Morning Richard Wynn of Westbury in the County of Wilts, Esq; was married to Miss Campbell, Daughter of Humphrey Campbell of Suffex, Esq; a Fortune of 12,000 l.

Last Thursday in the Afternoon, the Wind being very high, a Boat, wherein were 4 Passengers, a Waterman, and his Boy, going from Hungerford to Fallham, was overfet by a sudden Squall of Wind in Chelsea Reach, by which Accident a Woman was drowned.

York, Aug. 18. On Tuesday last Mr. Carr's Grey Gelding, Dusty Miller, won the 30 l. at Knavefmire near this City; and Mr. Jennison's Bay Gelding, Batchelor, won the Stakes.

On Wednesday the 40 l. were won by Mr. Brewster's Bay Mare, Hollow Back. Mr. Waudby's Grey Gelding, Spot, won the Stakes.

On Thursday the Ladies Plate of 60 l. was won by Captain Appleyard's Grey Horse, Favourite. Mr. Smith's Bay Horse, Gallant, won the Stakes.

On Friday the Galloway Plate of 20 l. was won by Mr. Waite's Bay Mare, Frothy-Face. Mr. Martin's Bay Mare, Castaway, won the Stakes. And

On Saturday the Hunters Plate of 20 Guineas was won by Mr. Ascoug's Bay Gelding, Yarker. Mr. Robinson's Bay Gelding, Cricket, won the Stakes.

Yesterday Bank Stock was 140. India 146 1-half. South Sea 81 3-4ths. Old Annuity 107 1-4th. New ditto 105 7-8ths. Three per Cent. Annuity 93 5-8ths. Emperor's Loan 98 1-4th to 1-half. Royal Assurance 96 1-4th. London Assurance 12 3-8ths. York Buildings 4. African 15 1-half. India Bonds 41. 17 s. 10 18 s. Premium. Three per Cent. ditto 21. 12 s. Premium. S. Sea Bonds 31. Prem. Bank Circulation 81. 7 s. 6d. Premium. Salt Tallies 31. 5 s. Prem. English Copper 21. 2 s. Welsh ditto, Books shut. Three 1-half per Cent. Exchequer Orders 11. 5 s. per Cent. Discount.

LONDON:

Custom-house, London 16th Aug. 1735.

For S A L E.

By Order of the Honourable Commissioners of his Majesty's Customs, &c.

ON Wednesday the 27th August, 1735, at 3 o'Clock in the Afternoon, will be exposed to Sale by Inch of Candle, in the Long Room at the Custom-house, London, a Parcel of Tea, Coffee, Brandy, Rum, Geneva, Cordial Water, and Arrack (clear of all Duties.) To be seen at the King's Warehouse on Monday the 25th, Tuesday the 26th, August, from 8 to 12 in the Forenoon, and from 3 till 6 in the Afternoon, and on Wednesday Morning before the Sale.

N. B. The Buyers are to pay down in Part 5 Guineas each Lot, and the Goods to be taken away in 14 Days, or the Lot Money will be forfeited, and the Goods re-sold; but where the Lots do not amount to Five Pounds, the Buyers are to pay down one Half. The Goods to be re-weighed and re-gauged on the Delivery.

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